6750-0010 (IT02-U05.US2)

PATENT

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By: Muchelle 466 son

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:

10/681,749

Examiner:

Unassigned

Confirmation No.:

8140

Art Unit:

3738

Filed:

October 7, 2003

For:

MINIMALLY INVASIVE JOINT IMPLANT WITH 3-DIMENSIONAL

GEOMETRY MATCHING THE ARTICULAR SURFACES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

[X]	In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
[]	In accordance with 37 C.F.R. §1.97(c), also enclosed is:
	[] the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
	[] a statement as specified in 37 C.F.R. §1.97(e).
[]	In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. § 1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed.
[]	Check No in the amount of \$ for the total fee is attached.

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- [X] A return receipt postcard is also enclosed.
- [] Please charge \$____ to Deposit Account No. 18-1648 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 18-1648.

Dated: 3-22-64

Respectfully submitted,

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1731 Embarcadero Road, Suite 230

Palo Alto, CA 94303

Tel: (650) 493-3400 Fax: (650) 493-3440 By:

Dahna S. Pasternak Reg. No. 41,411 6750-0010 (IT02-U05.US2)

PATENT

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By: Michelle Hobson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of LANG et al.

Serial No.: 10/681,749

Examiner:

Unassigned

Confirmation No.:

8140

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MINIMALLY INVASIVE JOINT IMPLANT WITH 3-DIMENSIONAL

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- [X] Pursuant to 37 C.F.R. §1.98, copies of the publications <u>B1-12</u> cited in the attached Form PTO/SB/08 are enclosed.
- [X] No copies of the publications A1-30 listed on the attached Form PTO/SB/08A are being provided because the Office waives the requirement under 37 C.F.R. 1.98 (a) (2) (i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003
- [] No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. ___ to which the above-identified application claims priority under 35 U.S.C. §120.

Reg. No. 41,411

	[]	Publication(s) listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to application serial no and mailed on
		Enclosed is a copy of a non-English publication(s) Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
		Enclosed is a copy of a non-English publication(s) English language publication (copy enclosed) claims priority from this non-English publication.
	[]	Enclosed is an explanation of non-English publication(s) for which an English translation is not available.
	[]	Enclosed is an English translation of non-English publication(s)cited in the attached Form PTO/SB/08A.
	[]	Enclosed is a copy of pending patent Application Serial No
time p	This In eriods:	nformation Disclosure Statement is filed within any one of the following
	[]	within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
	[]	within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
	[X]	before the mailing date of a first office action on the merits; or
	[]	before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.
	It is res	spectfully requested that the Examiner consider the above-noted
inform	nation ar	nd return an initialed copy of the attached Form PTO/SB/08A to the
unders	signed.	
Dated:	3-2	Respectfully submitted,
1731 E Palo A Tel: (6		-3400 By: Was Clinah

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Sub	stitute for kingl	149Aæ	*		Complete if Known	
				Application Number	10/681,749	
IN	FORMATIO	ON DI	SCLOSURE	Filing Date	October 7, 2003	9 , 2003
STATEMENT BY APPLICANT			APPLICANT	First Named Inventor	LANG	
				Group Art Unit	3738	
(use as many sheets as necessary)		Examiner Name	Unassigned			
Sheet	1	of	3	Attorney Docket Number	6750-0010	

			U.S. P	ATENT DOCUMENTS	
Examiner	Cite	U.S. Patent Document Cite Number Kind Code ²		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
Initials*	No.1		(if known)		
	Al	3,798,679		Ewald	03-26-1974
-	A2	4,052,753		Dedo	10-11-1977
	A3	4,085,466		Goodfellow et al.	04-25-1978
	A4	4,340,978		Buechel et al.	07-27-1982
	A5	4,502,161		Wall	03-05-1985
	A6	4,769,040		Wevers	09-06-1988
	A7	4,865,607		Witzel et al.	09-12-1989
	A8	4,880,429		Stone	11-14-1989
	A9	5,059,216		Winters	10-22-1991
	A10	5,133,759		Turner	07-28-1992
	A11	5,171,322	Α	Kenny	12-15-1992
	A12	5,314,482	A	Goodfellow et al.	05-24-1994
	A13	5,556,432	Α	Kubein-Meesenburg et al.	09-17-1996
	A14	5,871,542	A	Goodfellow et al.	02-16-1999
	A15	5,871,546	A	Colleran et al.	02-16-1999
	A16	5,879,390	A	Kubein-Meesenburg et al.	03-09-1999
	A17	6,046,379	A	Stone et al.	04-04-2000
	A18	6,090,144	Α	Letot et al.	07-18-2000
	A19	6,093,204	A	Stone	07-25-2000
	A20	6,558,421	B1	Fell et al.	05-06-2003
	A21	2002/0068979	A1	Brown et al.	06-06-2002
	A22	2002/0082703	A1	Repicci	06-27-2002
	A23	2002/0133230	Al	Repicci	09-19-2002
	A24	2003/0055500	A1	Fell et al.	03-20-2003
	A25	2003/0055501	A1	Fell et al.	03-20-2003
	A26	2003/0060882	A1	Fell et al.	03-27-2003
	A27	2003/0060883	A1	Fell et al.	03-27-2003
	A28	2003/0060884	A1	Fell et al.	03-27-2003
	A29	2003/0060885	A1	Fell et al.	03-27-2003
	A30	2003/0100953	Al	Rosa et al.	05-29-2003
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Examiner	Date	
Signature	Conside	red

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Unique citation designation number.
 See attached Kinds of U.S. Patent Documents.

Su	bstitute for fo	orm 1449A/PT	0		Complete if Known	
				Application Number	10/681,749	
INFORMATION DISCLOSURE		Filing Date	October 7, 2003			
S'	STATEMENT BY APPLICANT			First Named Inventor	LANG	
_				Group Art Unit	3738	
(use as many sheets as necessary)			s necessary)	Examiner Name	Unassigned	
Sheet	2	of	3	Attorney Docket Number	6750-0010	

				FOREIGN	PATENT DOCUMENTS	 	
Examiner Initials*	Cite No. ¹	Office ³	Foreign Patent Document Name of Patentee or Applicant of Cited Number ⁴ Kind Code ⁵ (if known)			Date of Publication of Cited Document MM-DD-YYYY	T ⁶
	B1	EP	0 732 091	A2	Michael Pappas	09-18-1996	
-	B2	EP	0 809 987	A2	Howmedica International Inc.	12-03-1997	
	B3	GB	2 348 373	Α	Corin Limited	10-04-2000	
	B4	GB	2 291 355	A	British Technology Group Limited	01-24-1996	
	B5	JP	9206322	A2	Tomita Naohide Mizuho Ika Kogyo KK	08-12-1997	
	B6	JP	1249049	A2	Kyocera Corp	10-04-1989	
	B7	JP	8173465	A2	Kyocera Corp	07-09-1996	
	B8	wo	90/09769	A1	Regen Corporation	09-07-1990	
	B9	wo	95/27450	A1	Corin Medical Limited	10-19-1995	
-	B10	wo	95/30390	A1	Ysebaert S.A.	11-16-1995	
,	B11	WO	99/42061	Al	Anmelder und Erfinder	08-26-1999	
		<u>.</u>					
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Examiner Date	 				
	 		Date		Examiner
Signature Considered		İ	Considered	!	Signature

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¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

Sul	bstitute for form 14	 449A/PT	0		Complete if Known	
				Application Number	10/681,749	
\mathbf{I}	INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Filing Date	October 7, 2003	
S'				First Named Inventor	LANG	
				Group Art Unit	3738	
				Examiner Name	Unassigned	
Sheet	3	of	3	Attorney Docket Number	6750 0010	,

		OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	C1	LEENSLAG, J.W. et al., "A porous composite for reconstruction of meniscus lesions," <i>Biological and Biomechanical Performance of Biomaterials</i> , 1986, pp. 147-152, P. Christel, A. Meunier, A.J.C. Lee (Eds.) (ISBN 0444426663)
	C2	MacINTOSH, D.L., "Arthroplasty of the knee in rheumatoid arthritis," <i>Proceedings and Reports of Councils and Associations</i> , Feb. 1966, Vol. 48 B, No. 1, p. 179 (Abstract)
-	C3	MacINTOSH, D.L., "Hemiarthroplasty of the knee using a space occupying prosthesis for painful varos and valgus deformities," <i>Proceeding</i> , Dec. 1958, Vol. 40 A, No. 6, p. 1431 (Abstract)
	C4	PLATT, G. and PEPLER, C., "Mould arthroplasty of the knee: a ten-year follow-up study," <i>The Journal of Bone and Joint Surgery</i> ," Feb. 1969, Vol. 51 B, No. 1, pp. 76-87
	C5	VANDE BERG, B.C. et al., "Assessment of knee cartilage in cadavers with dual-detector spiral CT arthrography and MR imaging," <i>Radiology</i> , Feb. 2002, 222:430-436
	C6	X-RAY STRUCTURE DETERMINATION: A PRACTICAL GUIDE, 2 nd Ed. Editors Stout and Jensen, 1989, John Wiley & Sons, Title page and Table of Contents pages only (ISBN 0471607118)
	C7	BODY CT: A PRACTICAL APPROACH, Editor Slone, 1999 McGraw-Hill publishers, Title page and Table of Contents pages only (ISBN 007058219x)
	C8	X-RAY DIAGNOSIS: A PHYSICIAN'S APPROACH, Editor Lam, 1998, Springer-Verlag publishers, Title page and Table of Contents pages only (ISBN 9813083247)
	C9	MRI BASIC PRINCIPLES AND APPLICATIONS, Second Ed., Mark A Brown and Richard C. Semelka, 1999, Wiley-Liss Inc., Title page and Table of Contents pages only (ISBM 0471330620)
,		

Examiner	 Date	
Signature	 Considered	

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